

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

**STEVE RODARTE, GINA NEZ, JIMMY
SERRANO, and ALEX BOLDEN,
on behalf of themselves and all others
similarly situated,**

Plaintiffs,

v.

No. 14-CV-193 JAP-KBM

**BOARD OF COUNTY COMMISSIONERS
OF BERNALILLO COUNTY,**

Defendant.

ORDER APPROVING SETTLEMENT

On June 29, 2015, the parties filed a JOINT MOTION TO APPROVE SETTLEMENT, NOTICE OF SETTLEMENT, RELEASE, AND CLAIM FORM, AND FINAL JUDGMENT (Doc. No. 84) asking that the Court approve the settlement of two previously certified class actions: a Fair Labor Standards Act (“FLSA”) class and a state law unjust enrichment class. After conducting a fairness hearing, the Court (1) found that the FLSA settlement was fair and reasonable, (2) determined that the proposed attorney award was reasonable, but (3) denied the request to approve the settlement of the unjust enrichment class because the proposed settlement did not give absent class members an opportunity to object to the settlement as Federal Rule of Civil Procedure 23 requires. *See generally* MEMORANDUM OPINION AND ORDER (Doc. No. 91).

In response to this ruling, the parties filed an AMENDED JOINT MOTION TO APPROVE SETTLEMENT, NOTICE OF SETTLEMENT, RELEASE, AND CLAIM FORM,


AND TO SET A FAIRNESS HEARING (Doc No. 88), which corrected the above procedural defect by providing for the mailing of updated notices to the unjust enrichment class telling them of their right to object to the settlement. The Court granted this motion, scheduling a fairness hearing and explaining that the Court would enter final approval or rejection of the unjust enrichment settlement after the fairness hearing. *See* ORDER (Doc. No. 89). The parties subsequently realized that there were errors in the previously approved FLSA class distribution list. To fix these errors, the parties sought permission to send out updated FLSA class notices, which added two names to the FLSA settlement distribution list (expanding the class from 44 members to 46 members). *See* JOINT MOTION TO APPROVE AMENDED NOTICES OF SETTLEMENT TO THE CLASS GROUPS (Doc. No. 95). The Court approved this request. *See* ORDER (Doc. No. 96).

In accordance with the Court's orders, in late September 2015, Plaintiffs' counsel mailed the updated, approved notices to the members of the FLSA collective action and the unjust enrichment class. The period for filing objections closed on October 28, 2015, and no objections were filed. The Court held a fairness hearing on November 4, 2015, at 1:30 pm., at which hearing no objections to the proposed settlement were voiced. Having considered argument at this hearing, as well as the parties' previous submissions, the Court makes the following findings:

1. The amounts to be distributed to the members of the FLSA collective action, as amended, are fair and reasonable and are approved by the Court;
2. The amounts to be distributed to the unjust enrichment class are fair and reasonable and are approved by the Court;

3. The Court reaffirms its earlier finding that the amounts to be paid as attorneys' fees and costs are reasonable and fair;

IT IS THEREFORE ORDERED THAT: settlement is approved in the amount of \$250,000.00, to be distributed as set forth in the Amended Joint Motion (Doc. No. 88) and in the Joint Motion to Approve Amended Notices of Settlement to the Class Groups (Doc. No. 95), previously granted by this Court (Doc. No. 96).



The Honorable James A. Parker
United States Judge